

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) <b>LOTUS JONES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>CASE NO.</b> <u>CIV-15-838-R</u>
	)	
(1) <b>THE TRAVELERS INDEMNITY</b>	)	
<b>COMPANY d/b/a TRAVELERS</b>	)	
<b>INSURANCE COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Travelers Indemnity Company d/b/a Travelers Insurance Company (“Defendant” and/or “Travelers”) files the instant Notice of Removal of this case from the District Court of Oklahoma County, State of Oklahoma. In support of removal, Defendant states the following:

1. On July 7, 2015 Plaintiff Lotus Jones (“Plaintiff”) filed a Petition in the District Court of Oklahoma County, State of Oklahoma, captioned *Lotus Jones, Plaintiff, v. Travelers Indemnity Company, Defendant*, Case Number CJ-2015-3732 (“State Court Action”). (See Petition, Ex. 1).

2. Plaintiff filed an Amended Petition on July 16, 2015 captioned *Lotus Jones, Plaintiff v. The Travelers Indemnity Company d/b/a Travelers Insurance Company*. (See Amended Petition, Ex. 2).

3. Defendant was served with the Amended Petition on July 21, 2015. (See Summons, Ex. 3).

4. In her Amended Petition, Plaintiff seeks judgment in her favor in the amount of “\$100,000.00 on [her] contract claim”, “an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code on [her] tort claim”, costs, and all other relief deemed appropriate by the court. (*See* Amended Petition, Ex. 2).

5. Though not specifically alleged in either her Petition or Amended Petition, the evidence shows that Plaintiff is a citizen of the State of Oklahoma. Plaintiff lists a home address in Midwest City, Oklahoma on her Civil Cover Sheet for the State Court Action, owns the home in Midwest City, Oklahoma where she resides, and maintains a current Oklahoma driver’s license. (*See* State Court Action Civil Cover Sheet, Ex. 4; Property Record, Ex. 5; Driver’s License, Ex. 6). Such evinces Plaintiff’s physical presence in Oklahoma as well as her intention to remain in Oklahoma. (*See Crowley v. Glaze*, 710 F.2d 676, 678 (10<sup>th</sup> Cir. 1983) (A natural person is a citizen of the state in which he is domiciled.) *See also Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 48 (1989) (For adults, domicile is established by physical presence in a place, coupled with an intent to remain there.))

6. Defendant is incorporated in the State of Connecticut and has its principal place of business in the State of Connecticut.

7. Because the amount in controversy exceeds \$75,000.00 exclusive of interest and costs and complete diversity exists among the parties, this case is properly

removed within the applicable time constraints pursuant to 28 U.S.C. §§ 1332, 1441, 1446.

8. The United States District Court for the Western District of Oklahoma is the appropriate court for filing the instant Notice of Removal as the District Court of Oklahoma County, where the State Court Action is currently pending, is one of the counties included within this Court's federal jurisdiction.

9. Upon receiving the federally filed Notice of Removal, Defendant will file a copy of the such Notice with the District Court of Oklahoma County as well as provide written notice to Plaintiff's counsel, all in accordance with 28 U.S.C. § 1446(d).

10. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2(a), a copy of the docket sheet and a copy of documents filed and/or served in the State Court Action are attached hereto. (*See* State Court Action docket sheet, Ex. 7; Entry of Appearance, Ex. 8; Petition, Ex. 1; Amended Petition, Ex. 2; Summons, Ex. 3; State Court Action Civil Cover Sheet, Ex. 4).

11. Under the provisions of 28 U.S.C. §§ 1332, 1441, and 1446 and all other applicable statutes, all of which Defendant has complied with, this cause of action is removable to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Carolyn S. Smith

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that on the 31<sup>st</sup> day of July, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

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/s/ Carolyn S. Smith